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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANN LEWANDOWSKI and
ROBERT GREGORY, on their own
behalf, on behalf of all others
similarly situated, and on behalf of the
Johnson & Johnson Group Health
Plan and its component plans,

Plaintiffs,

v.

JOHNSON & JOHNSON and THE
PENSION & BENEFITS
COMMITTEE OF JOHNSON
& JOHNSON,

Defendants.

Case No. 3:24-cv-00671-ZNQ-RLS

**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS
AND DISMISSING COUNTS ONE AND TWO OF THE
SECOND AMENDED COMPLAINT**

THIS MATTER having come before the Court upon the motion of
McCarter & English, LLP, counsel for Johnson & Johnson and the Pension &

Benefits Committee of Johnson & Johnson (together, “Defendants”) for an Order granting Defendants’ Motion to Dismiss Counts One and Two of the Second Amended Complaint filed by Plaintiffs Ann Lewandowski and Robert Gregory (“Plaintiffs”), and on notice to Cohen Milstein Sellers & Toll PLLC, Fairmark Partners, LLP, and Wheeler, Diulio & Barnabei, P.C., counsel for Plaintiffs, and the Court having considered the submissions on behalf of the parties, and the Court having heard the arguments of counsel, and for good cause shown:

IT IS ON THIS _____ day of _____ 2025,

ORDERED that Defendants’ Motion to Dismiss Counts One and Two of the Second Amended Complaint is hereby **GRANTED**; and

ORDERED that Counts One and Two against Defendants in Plaintiffs’ Second Amended Complaint are hereby dismissed [with prejudice (if based on motion under Rule 12(b)(6))] or [without prejudice (if based on motion under Rule 12(b)(1))].

HON. ZAHID N. QURAISHI, U.S.D.J.